

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1029 Primrose Lane, Coopersburg, PA 18036

Address of Defendant: 2245 East 19th St. Brooklyn, NY and 4301 Eberly Avenue, Brookfield Illinois, 60513.

Place of Accident, Incident or Transaction: Philadelphia, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, John J. Hatzell, Jr, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 9-14-2017

John J. Hatzell

Attorney-at-Law

38548

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9-14-2017

John J. Hatzell, Jr

Attorney-at-Law

38548

Attorney I.D.#

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Mark Frawley

(b) County of Residence of First Listed Plaintiff Lehigh
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David Daniel, 319 W. Front Street, Media PA 19063-2340 610-891-9900

DEFENDANTS

GP Transportation Co., Inc

County of Residence of First Listed Defendant Cook
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

John J Hatzell, Jr, Suite 3900, 1650 Market Street, Philadelphia, PA 19103 215 255 6411

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:
Intersectional collision**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
50.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
09/14/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Mark Frawley	:	CIVIL ACTION
	:	
v.	:	
	:	
GP Transportation Co., Inc	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

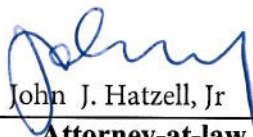
- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

9-14-2017

Date

215 255 6411

Telephone


John J. Hatzell, Jr

Attorney-at-law

215 933 3207

FAX Number

Dumpkis/GP Transportation/ Povilunas

Attorney for

John.Hatzell@AIG.com

E-Mail Address

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK FRAWLEY	:
v.	:
	:
EDIKAS DUMPIS	:
and	:
GP TRANSPORTATION CO., INC.	:
and	:
GEDIMINAS POVILUNAS, t/a	:
GP TRANSPORT CO.	:
and	:
GP TRANSPORT CO.	:

NOTICE OF REMOVAL

Defendants, EDIKAS DUMPIS, GP TRANSPORTATION CO., INC., GERIMINAS POVILUNAS and GP TRANSPORT CO. hereby seek to remove this case from the Court of Common Pleas of Philadelphia County, Civil Action No. 170800056 to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§1332, 1441 and 1446. In support of the removal, the defendants aver:

1. Attached as Exhibit A is the complaint filed on behalf of the plaintiff on July 26, 2017 in the Court of Common Pleas of Philadelphia County on August 5, 2017.
2. The complaint was served upon Edikas Dumpas by certified mail on August 19, 2017 and upon GP Transportation Co., Inc. by certified mail on August 16, 2017.
3. GT Transport Co is a fictitious name and does not exist as an independent entity.
4. Geriminas Povilunas is the President and Secretary of GP Transportation Co., Inc.
5. Plaintiff, Mark Frawley, has alleged that he resides at 1029 Primrose Lane, Coopersburg, PA 18036. Id at ¶ 1.

6. Edikas Dumpis is a citizen of New York and he resides at 2245 East 19th Street, Brooklyn, NY.

7. GP Transportation Co., Inc. is a privately held Illinois Corporation with principal place of business located at 4301 Eberly Avenue, Brookfield, IL 60513

8. Geriminas Povilunas is a citizen and resident of Illinois and he consents to the removal of this matter to federal court.

9. The amount in controversy is believed to be in excess of \$75,000 based upon the allegations in the complaint.


10. The Court has jurisdiction over this case because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000. 28 U.S.C. §1332 (a).

11. The alleged harm occurred at the intersection of Levick Street and Harbison Avenue in Philadelphia, PA therefore the Eastern District of Pennsylvania is the proper venue for this case. 28 U.S.C. §1441 (a).

12. Pursuant to 28 U.S.C. § 1446 (d) the defendants will file a copy of this Notice of Removal with the Prothonotary of the Court of Common Pleas of Philadelphia County and will serve a copy of same upon counsel for the plaintiff through the Court's electronic filing system

WHEREFORE, the above named defendants hereby remove this action presently pending in the Court of Common Pleas of Philadelphia County, to the United States District Court for the Eastern District of Pennsylvania.

By:



John J. Hatzell, Jr.

Haddix and Associates

PAID 38548

Suite 3800 – 1650 Market St.

Philadelphia, PA 19103

215 255 6411

215 933 3207 ((facsimile))

John.Hatzell@AIG.com

EXHIBIT A

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

Court of Common Pleas of Philadelphia County Trial Division Civil Cover Sheet		For Prothonotary Use Only (Docket Number)	
PLAINTIFF'S NAME Mark Frawley		DEFENDANT'S NAME Edikas Dumpis	
PLAINTIFF'S ADDRESS 1029 Primrose Lane Coopersburg, PA 18036		DEFENDANT'S ADDRESS 2245 East 19th Street Brooklyn, NY 11229	
PLAINTIFF'S NAME		DEFENDANT'S NAME GP Transportation Co., Inc.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 11209 Joliet Road Lemont, IL 60439	
PLAINTIFF'S NAME		DEFENDANT'S NAME Gediminas Povilunas, t/a GP Transportation Co.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 5436 East Avenue Countryside, IL 60525	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NO. OF DEFENDANTS 4	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other:	<input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition	<input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Commerce (Completion of Addendum Required)
SETTLEMENT <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival			
CASE TYPE AND CODE (SEE INSTRUCTIONS) 2V - Motor Vehicle Accident			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS) n/a			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) n/a			IS CASE SUBJECT TO COORDINATION ORDER? Yes No <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: Papers may be served at the address set forth below.			
NAME OF PLAINTIFF/PETITIONER/APPELLANT'S ATTORNEY David S. Daniel		ADDRESS (SEE INSTRUCTIONS) 319 West Front Street Media, PA 19063	
PHONE NUMBER 610-891-9900	FAX NUMBER 610-891-9996		
SUPREME COURT IDENTIFICATION NO. 82777		E-MAIL ADDRESS ddaniel@gretolaw.com	
SIGNATURE		DATE 8-3-2017	

Instructions for Completing Civil Cover Sheet

Rules of Court require that a Civil Cover Sheet be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition). The information requested is necessary to allow the Court to properly monitor, control and dispose cases filed. A copy of the Civil Cover Sheet must be attached to service copies of the document commencing an action. The attorney or non-represented party filing a case shall complete the form as follows:

A. Parties

I. Plaintiff/Defendants

Enter names (last, first, middle initial) of plaintiff, petitioner or appellant ("plaintiff") and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than three plaintiffs and/or three defendants, list the additional parties on the Supplemental Parties Form. Husband and wife are to be listed as separate parties.

II. Parties' Addresses

Enter the address of the parties at the time of filing of the action. If any party is a corporation, enter the address of the registered office of the corporation.

III. Number of Plaintiff/Defendants: Indicate the total number of plaintiffs and total number of defendants in the action.

B. Commencement Type: Indicate type of document filed to commence the action.

C. Amount in Controversy: Check the appropriate box.

D. Court Program: Check the appropriate box.

E. Case Types: Insert the code number and type of action by consulting the list set forth hereunder. To perfect a jury trial, the appropriate fees must be paid as provided by rules of court.

Proceedings Commenced by Appeal

Minor Court

5M Money Judgment
5L Landlord and Tenant
5D Denial Open Default Judgment
5B Code Enforcement
Other:

Local Agency

5B Motor Vehicle Suspension -
Breathalyzer
5V Motor Vehicle Licenses,
Inspections, Insurance
5C Civil Service
5K Philadelphia Parking Authority
5Q Liquor Control Board
5R Board of Revision of Taxes
5X Tax Assessment Boards
5Z Zoning Board
52 Board of View
51 Other:

Other:

Proceedings Commenced by Petition

8P Appointment of Arbitrators
8C Name Change - Adult
8L Compel Medical Examination
8D Eminent Domain
8E Election Matters
8F Forfeiture
8S Leave to Issue Subpoena
8M Mental Health Proceedings
8Q Civil Tax Case - Petition
Other:

Actions Commenced by Writ of Summons or Complaint

Contract

1C Contract
1T Construction
1O Other:

Tort

2B Assault and Battery
2L Libel and Slander
4F Fraud
1J Bad Faith
2E Wrongful Use of Civil Process
Other:

Negligence

2V Motor Vehicle Accident
2H Other Traffic Accident
1F No Fault Benefits
4M Motor Vehicle Property Damage
2P Personal Injury - FELA
2O Other Personal Injury
2S Premises Liability - Slip & Fall
2P Product Liability
2T Toxic Tort
71 Asbestos
72 DES
72 Implant
3B Toxic Waste
Other:

Professional Malpractice

2D Dental
4L Legal
2M Medical
4Y Other:

IG Subrogation

Equity

E1 No Real Estate
E2 Real Estate
1D Declaratory Judgment
M1 Mandamus

Real Property

3R Rent, Lease, Ejectment
Q1 Quiet Title
3D Mortgage Foreclosure - Residential
Owner Occupied
3F Mortgage Foreclosure - Not Residential
Not Owner Occupied
1L Mechanics Lien
P1 Partition
Prevent Waste
1V Replevin
1H Civil Tax Case - Complaint
Other:

F. Commerce Program

Commencing January 3, 2000 the First Judicial District instituted a Commerce Program for cases involving corporations and corporate law issues, in general. If the action involves corporations as litigants or is deemed a Commerce Program case for other reasons, please check this block AND complete the information on the "Commerce Program Addendum". For further instructions, see Civil Trial Division Administrative Docket 01 of 2000.

G. Statutory Basis for Cause of Action

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be identified.

H. Related Pending Cases

All previously filed related cases, regardless of whether consolidated by Order of Court or Stipulation, must be identified.

I. Plaintiff's Attorney

The name of plaintiff's attorney must be inserted herein together with other required information. In the event the filer is not represented by an attorney, the name of the filer, address, the phone number and signature is required.

The current version of the Civil Cover Sheet may be downloaded from the FJD's website
<http://courts.phila.gov>

Law Offices of Albert M. Greto

Attorneys for Plaintiff

By: Albert M. Greto, Esq.

David S. Daniel, Esq.

319 W. Front Street

Media, PA 19063

Ph: (610) 891-9900; Fx: (610) 891-9996

E-Mail: algreto@gretolaw.com

Attorney ID Nos. 80658/82777

MARK FRAWLEY

1029 Primrose Lane

Coopersburg, PA 18036

Plaintiff,

v.

EDIKAS DUMPIS

2245 E. 19th Street

Brooklyn, NY 11229

And

GP TRANSPORTATION CO., INC.

11209 Joliet Road

Lemont, IL 60439

And

GEDIMINAS POVILUNAS, t/a

GP TRANSPORT CO.

5436 East Avenue

Countryside, IL 60525

And

GP TRANSPORT CO.

5436 East Avenue

Countryside, IL 60525

Defendants.

PHILADELPHIA COUNTY

COURT OF COMMON PLEAS

TRIAL DIVISION – CIVIL

AUGUST TERM 2017

NO. 00056

**CIVIL COMPLAINT
PERSONAL INJURY – AUTOMOBILE ACCIDENT
GENERAL AVERMENTS**

Plaintiff, MARK FRAWLEY, by and through his attorneys, Albert M. Greto, Esquire, and David S. Daniel, Esquire, hereby files this Complaint, and in support thereof states the following:

1. Plaintiff, MARK FRAWLEY, is an adult individual residing at 1029 Primrose Lane, Coopersburg, PA 18036.

2. Defendant, EDIKAS DUMPIS, is an adult individual believed to reside at the above captioned address.

3. Defendant, GP Transportation Co., Inc., is believed to be an Illinois corporation with a principal place of business at the above captioned address.

4. Defendant, GEDIMINAS POVILUNAS, t/a GP TRANSPORT CO., is believed to be an unincorporated business entity or partnership with a principal place of business at the above captioned address

5. On or about August 7, 2015 at approximately, 3:50 p.m., Plaintiff, MARK FRAWLEY, was the operator of a 2005 Toyota Tundra on Levick Street at or near the intersection of Harbison Avenue, within in the city and County of Philadelphia.

6. At all times relevant hereto, defendant, EDIKAS DUMPIS, was operating a motor vehicle owned in whole or in part by defendants GP TRANSPORTATION, CO., INC., GP TRANSPORT CO., and GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO.

7. At all times relevant hereto, the motor vehicle accident at issue took place at or near the intersection with Harbison Avenue and Levick Street, within the City and County of Philadelphia.

8. At all times relevant hereto, plaintiff MARK FRAWLEY, while traveling on Levick Street, approached the intersection of Harbison Avenue.

9. While plaintiff MARK FRAWLEY, was at the intersection, the vehicle/tractor trailer, operated by defendant, EDIKAS DUMPIS and owned by defendants, GP TRANSPORTATION, CO., INC., GP TRANSPORT CO., and GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO., attempted to turn left from the middle lane striking the back-rear passenger side panel and tire of the motor vehicle operated by plaintiff, MARK FRAWLEY.

10. As a result of said impact, plaintiff, MARK FRAWLEY, was thrown about the interior of the motor vehicle he occupied, causing injuries to his neck and back.

11. As a direct and proximate result of said accident, plaintiff MARK FRAWLEY, has been obliged to receive and undergo medical attention and care to incur various expenses for the injuries he has suffered.

12. As a direct and proximate result of said accident, plaintiff MARK FRAWLEY has been prevented from attending to his usual duties and hobbies and believes that he may in the future be prevented from attending to his usual duties and hobbies to his great loss.

13. As a direct and proximate result of said accident, plaintiff, MARK FRAWLEY, has suffered, or may suffer, severe loss of earnings and impairment of his earning capacity and power.

14. As a direct and proximate result of said accident, plaintiff, MARK FRAWLEY, has suffered and may continue to suffer physical pain, disability, mental anguish and humiliation, all of which plaintiff, MARK FRAWLEY, believes and therefore avers may be permanent in nature.

COUNT I
MARK FRAWLEY v. EDIKAS DUMPIS
(NEGLIGENT AND CARELESS CONDUCT)

15. Plaintiff, MARK FRAWLEY, incorporates by reference the allegations set forth in the paragraphs above, as though the same were fully set forth herein.

16. The above-described incident was caused by the negligence and carelessness of Defendant, EDIKAS DUMPIS generally and more specifically as follows:

- a. Defendant operated the vehicle in a careless or imprudent manner without due regard for road, weather and traffic conditions then existing, in violation of 75 Pa.C.S. §3714;
- b. Defendant operated the vehicle at a speed greater than the posted speed limit in violation of 75 Pa.C.S. §3362;

- c. Defendant operated the vehicle at a speed greater than is reasonable and prudent under the conditions and without having regard to the actual and potential hazards then existing in violation of 75 Pa.C.S. §3361;
- d. Defendant operated the motor vehicle in a reckless manner in violation of 75 Pa.C.S. §3766;
- e. Defendant failed to obey a traffic control device while operating the motor vehicle in violation of 3111(a);
- f. Defendant operated the motor vehicle without due regard for the health and safety of Plaintiff MARK FRAWLEY;
- g. Defendant failed to exercise due care under the circumstances; and
- h. Defendant violated ordinances, statutes and regulations of the Commonwealth of Pennsylvania with respect to the proper operation of her motor vehicle.
- i. Failed to properly signal so as to put other driver's on notice of his intention to turn.
- j. Operated his vehicle on roads prohibited from tractor trailer traffic.

WHEREFORE, plaintiff, MARK FRAWLEY, hereby requests that this Honorable Court enter judgment in his favor and against defendant, EDIKAS DUMPIS for compensatory damages, interest, costs, and such further relief this Court deems appropriate in an amount in excess of \$50,000.00.

COUNT II

**MARK FRAWLEY v. GP TRANSPORTATION, CO., INC., GP TRANSPORT CO.,
and GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO.**

(RESPONDEAT SUPERIOR)

17. Plaintiff, MARK FRAWLEY, incorporates by reference the allegations set forth in the paragraphs above, as though the same were fully set forth herein.

18. At all times material hereto, defendants, GP TRANSPORTATION, CO., INC., GP TRANSPORT CO., and GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO., in whole or in part, managed, possessed, and controlled the vehicle/tractor trailer, operated by defendant EDIKAS DUMPIS and defendant EDIKAS DUMPIS was acting as the agent, servant, workman, and/or employee of defendants GP TRANSPORTATION, CO., INC., GP TRANSPORT CO., and GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO.

19. At all times material hereto, defendant, EDIKAS DUMPIS, was acting within the scope of his authority.

WHEREFORE, plaintiff, MARK FRAWLEY, respectfully requests this Honorable Court enter judgment in his favor and against defendants, EDIKAS DUMPIS and GP TRANSPORTATION, CO., INC., GP TRANSPORT CO., and GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO., jointly and severally, for compensatory damages, interest, costs, and such other further relief this Court deems appropriate in an amount in excess of \$50,000.00.

COUNT III

MARK FRAWLEY v. GP TRANSPORTATION, CO., INC., GP TRANSPORT CO.,
and GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO.

(NEGLIGENT ENTRUSTMENT)

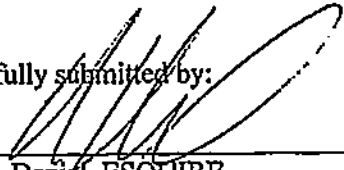
20. Plaintiff, MARK FRAWLEY, incorporates by reference the allegations set forth in the paragraphs above, as though the same were fully set forth herein.

21. It is believed and therefore alleged that defendants, GP TRANSPORTATION, CO., INC., GP TRANSPORT CO., and GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO., may have permitted defendant, EDIKAS DUMPIS, to operate the above-described vehicle/tractor trailer, and that defendants, GP TRANSPORTATION, CO., INC., GP TRANSPORT CO., and

GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO , knew or should have known that defendant, EDIKAS DUMPIS, would operate said motor vehicle in a reckless, negligent, and/or careless manner.

WHEREFORE, plaintiff, MARK FRAWLEY, respectfully requests this Honorable Court enter judgment in his favor and against defendants, EDIKAS DUMPIS and GP TRANSPORTATION, CO., INC., GP TRANSPORT CO., and GEDIMINAS POVILUNAS, t/a GP TRANSPORTATION, CO., jointly and severally, for compensatory damages, interest, costs, and such other further relief this Court deems appropriate in an amount in excess of \$50,000.00.

Respectfully submitted by:



David S. Daniel, ESQUIRE
Attorney for Plaintiff
Supreme Court ID# 82777
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Media, PA 19063-2340
Ph.: 610.891.9900
Fx.: 610.891.9996

COMMONWEALTH OF PENNSYLVANIA

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COUNTY OF DELAWARE

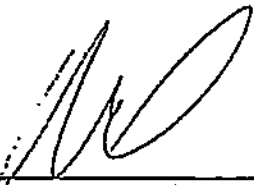
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VERIFICATION

I, David S. Daniel, Esquire, hereby verify that the statements contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; based upon reasonable independent investigation and review, and client's electronic transmission of a Verification upon review of the pleading. Further, the exigencies of time prevent an original from being attached hereto. The foregoing is made with knowledge of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

Date:

04/20/17



David S. Daniel, Esquire